

Attorney Docket: 081776-0306363
Client Reference: S1.B-3001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
JOHNSON ET AL.

Confirmation Number: 8401

Application No.: 10/697,554

Group Art Unit: 3724

Filed: October 31, 2003

Examiner: NGUYEN, PHONG H.

Title: METAL DEMOLITION SHEARS WITH INDEXABLE, INTEGRATED WEAR PLATE/PIERCING TIP

DECLARATION OF CLAYTON SEDERBERG UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Clayton Sederberg, hereby attest to the following facts:

1. I am a co-inventor of both the above-captioned application and the cited prior art U.S. Patent No. 5,992,023 ("the '023 patent").
2. Stanley LaBounty ("Stanley") attempted to commercialize a shears with a non-indexable piercing tip of the type shown in FIG. 10 of the '023 patent. The tip was expensive because of the high machining costs associated with the manufacture of its complex geometry. Stanley was unable to successfully commercialize the shears because of the high replacement cost of the tip, which must be replaced repeatedly over the life of a shears. The lack of commercial demand for the shears caused Stanley to abandon the commercial sale of this shears.
3. In contrast, Stanley LaBounty has successfully commercialized its MSD Saber series of shears that utilize an indexable piercing tip according to the present invention. Photographs of the indexable piercing tip for a Saber series shears are attached hereto as Exhibit 1. These photographs fairly and accurately portray the indexable piercing tip of the Saber series shears.
4. Stanley has sold over 500 of the Saber series shears. In view of the high selling price of each such heavy-duty shear, the sale of 500 shears is considered to be extremely commercially successful in the industry.

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5. The Saber series shears have been commercially successful because the ability to index the piercing tip enables customers to get twice as much use out of this wearable, replaceable component, thereby justifying the higher cost of the piercing tip.

I hereby acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the present application or any patent issuing thereon. All statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

By: Clayton Sederberg Date: December 22, 2006
Clayton Sederberg

Exhibit 1

